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Attorneys for Defendants and Counter-Claimants

DICK/MORGANTI/NIBBI, DICK CORPORATION,

MORGANTI TEXAS, INC., and NIBBI BROS., INC.

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA—SAN FRANCISCO DIVISION

UNITED STATES, for the Use of ROOFING
CONSTRUCTORS, INC., a California Corporation,
doing business as WESTERN ROOFING
SERVICE,

Plaintiffs,

vs.

DICK/MORGANTI/NIBBI, a joint venture; DICK
CORPORATION; MORGANTI TEXAS, INC.,
NIBBI BROS., INC.; AMERICAN CASUALTY
COMPANY OF READING, PA, CONTINENTAL
CASUALTY COMPANY; NATIONAL UNION
FIRE INSURANCE COMPANY OF
PITTSBURGH, PA,

Defendants.

Case No.: 08-CV-2286 JL

**STIPULATION AND ~~(PROPOSED)~~
ORDER FURTHER EXTENDING
CASE SCHEDULE, CASE
MANAGEMENT CONFERENCE
AND ADR DEADLINES**

AND RELATED COUNTER-CLAIM.

The parties, Plaintiff Roofing Constructors, Inc., a California Corporation, doing business as Western Roofing Service, on the one hand, and Defendants Dick/Morganti/Nibbi, a Joint Venture; Dick Corporation; Morganti Texas, Inc.; Nibbi Bros., Inc., on the other, hereby stipulate and agree as follows:

This case arises out of the construction of the San Francisco Federal Building. Since the complaint was filed, the parties have endeavored to resolve the issues between them arising out of the Project and these discussions continue. The parties have, on three previous occasions, agreed

by stipulated order to postpone the various case management deadlines so that the parties could conduct a review and investigation of the issues in an effort to resolve their dispute without burdening the court. That investigation, however, has taken longer than anticipated and remains ongoing. Accordingly, the parties desire to further continue the various case management deadlines that have been established by another **45 days**.

In particular, the parties stipulate and agree that the following case schedule should be established:

- Last day for defendants to file amended counterclaim without leave of Court: March 2, 2009.
- Deadline for plaintiff's response to counterclaim: March 23, 2009.
- Last day to meet and confer re initial disclosure, early settlement, ADR process selection, and discovery plan and to file joint ADR certification with stipulation to ADR process or notice of need for ADR phone conference: March 23, 2009.
- Last day to file Rule 26(f) report, complete initial disclosures or state objection in Rule 26(f) report and file case management statement per Standing Order re Contents of Joint Case Management Statement: March 30, 2009.
- Initial Case Management Conference: On or about April 8, 2009, on a date to be set by the Court.

Dated: January 15, 2009

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By: _____
Paul S. Rosenstein
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ROOFING CONSTRUCTORS, INC.,
dba WESTERN ROOFING SERVICE

Dated: January 15, 2009

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2 conduct a review and investigation of the issues in an effort to resolve their dispute. That
3 investigation, however, has taken longer than anticipated and remains ongoing. Accordingly, the
4 parties desire to further continue the various case management deadlines that have been
5 established by another 45 days.

6 In particular, the parties stipulate and agree that the following case schedule should be
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- 14 ➤ Last day to file Rule 26(f) report, complete initial disclosures or state objection in
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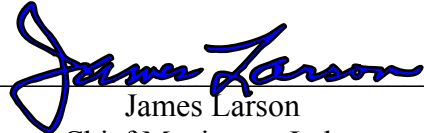
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ORDER

The Court, having reviewed the foregoing stipulation, and good cause appearing for the time extensions reflected therein, hereby approves the revisions to the case management deadlines and sets the initial case management conference (previously scheduled for February 25, 2009) for April 8, 2009, in Courtroom F, 15th Floor, San Francisco at 10:30 a.m.

IT IS SO ORDERED.

Dated: February 10, 2009


James Larson
Chief Magistrate Judge